

United States District Court

WESTERN DISTRICT OF NEW YORK

WALTERICH

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 06-CV-747A

v.

ASTRUE

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion for judgment on the pleadings is denied; plaintiff's motion for judgment on the pleadings is granted and the matter is remanded for calculation of benefits.

Date: September 19, 2008

RODNEY C. EARLY, CLERK

By: s/Suzanne Grunzweig
Deputy Clerk